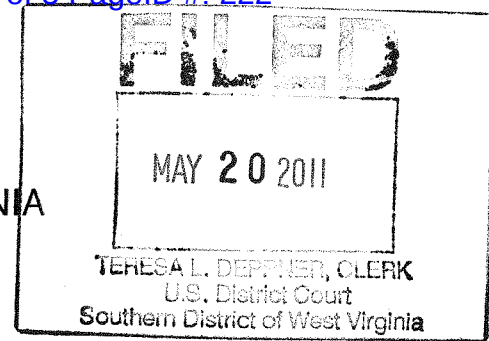


UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF WEST VIRGINIA
Charleston



UNITED STATES OF AMERICA,
Plaintiff,
v

Civil Action No. 2:110cv-0101
Judge John T. Copenhaver

\$27,671.50 more or less
in United States currency,
originally a financial instrument,
Defendant.
(Katherine A. Hoover MD and
John F. Tomasic, interested parties.)


MOTION FOR SUMMARY JUDGMENT

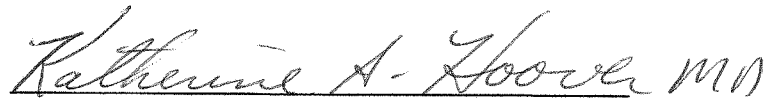
NOW COME, John F. Tomasic and Katherine A. Hoover MD, husband and wife, pro se, to request that the Court ORDER the return of \$27,671.50 plus \$10,000.00 in interest and costs because the United States of America through its counsel, AUSA Betty Pullin, has agreed that the WesBanco savings account ending in 3002 belongs to the interested parties. The interested parties are willing to set aside the issues of subject matter jurisdiction and immunity in this action. The interested parties are willing to refer the matter of the timing of AUSA Pullin's knowledge about this account back to the West Virginia Bar for further proceedings. Exhibit A demonstrates that AUSA Pullin had financial records from 2004, 2005, 2006, 2008 and 2009.

The NDWV had returned \$5,000.00 from Dr. Hoover's inheritance from her uncle, William Hoover without a Court Order. On April 8, 2011, AUSA Pullin filed UNITED STATES MOTION TO DISMISS COMPLAINT where she stated: "the United States respectfully moves the court for an order dismissing this forfeiture action and directing the United States Marshals Service to return the seized currency." Despite a letter (Exhibit B) sent to AUSA Pullin on May 1, 2011, our money has not been returned.

WHEREFORE the interested parties request that this in rem action be dismissed and their money returned with interest and costs of \$10,000.00. The Court may refer the matter regarding AUSA Pullin to the West Virginia Bar and withhold judgment on immunity and subject matter jurisdiction since those issues are moot.

Respectfully submitted,


John F. Tomasic


Katherine A. Hoover MD

CERTIFICATE OF SERVICE

I, Katherine A. Hoover, do hereby certify that a true and correct copy of the foregoing MOTION FOR SUMMARY JUDGMENT has been sent to AUSA Betty Pullin by fax to 304-347-5104 on May 19, 2011.



Katherine A. Hoover MD
c/o Dr. Norman Gay
N-3222
West Bay Medical Clinic
West Bay Street
Nassau, N.P., Bahamas

Inventory

<i>ID</i>	<i>Description</i>
S2-E-001	WesRanco Savings Account Book and Statement
S2-I-007	Compaq Presario SR5010NX and Logitech thumbdrive
S2-J-003	Compaq Presario Desktop S5200NX
S2-O-004	Various bank statements and tax records in a clear Staples tote with a blue lid
S2-O-005	2005 Income tax records in clear tote with clear top
S2-O-006	2006 Income tax records in clear tote with blue top
S2-O-008	2009 various financial records for K. Hoover and J. Tomasic
S2-O-009	2008 various financial documents
S2-O-010	2004 various financial documents
S2-P-002	Great American Title and Mortgage Co paperwork

KATHERINE A. HOOVER MD
c/o Dr. Norman Gay
N-3222 West Bay Medical Clinic
West Bay Street
Nassau, N.P., Bahamas
242-525-4018

May 1, 2011
AUSA Betty Pullin
300 Virginia St. East
Suite 4000
Charleston, West Virginia 25301
fax: 304-347-5104

Dear AUSA Pullin:

Re: Case No. 11-cv-0101

I am glad that you have admitted that the United States has no right to the \$27,671.50 that the FBI seized from our WesBanco savings account ending in 3002. You clearly do not need an Order to return our money to us. The records that you had access to for the entire investigation beginning in 2005 clearly documented that the federal government had no jurisdiction over that money. The NDWV returned most of the property seized without a court Order. The receipt of that property and subsequent review of some of it by my husband, John F. Tomasic, merely documented that you had access to the entire bank account records long before the in rem was filed Case No. 11-cv-0101. I am requesting that you fedex a certified check with interest to the above address.

I request that you fedex a copy of the affidavit filed by James Lafferty to obtain the original search and seizure warrants; I presume that it is similar to the affidavit filed by Michael Smith in the NDWV. With careful review, I am sure that you will determine that the information given could not justify the search and seizure of any property much less a busy medical practice that gave excellent care to many patients. Please review the case law, federal law, the US Constitution and the treaties for your own edification and to demonstrate that we are correct in our pleadings. You represent the United States of America not Booth Goodwin. You owe it to yourself and to our country to be honest and admit the truth.

Thank you in advance.

Sincerely,

Katherine A. Hoover MD

Katherine A. Hoover MD

6479E5024528

6479E5024528

Extremely Urgent

FedEx
ExpressFedEx International Air Waybill
Express

1 From

Date 5/19/11 Sender's FedEx Account Number 6479E5024528

Sender's Name Katherine Hoover Phone 304-345-3000

Company Dr. Norman Gay

Address N-3222 W. Bay Med. Clinic

Address West Bay St

City Pissau State N.R. Province

Country Bahamas ZIP Postal Code

2 To

Recipient's Name Ms. Teresa Deppner Phone 304-345-3000

Company Cleek, USDC SDWV

Address 300 Virginia St. Dept./Floor

Address Suite 2200

City Charleston State WV Province

Country US ZIP Postal Code 25301

Recipient's Tax ID Number for Customs Purposes
e.g., GST/RFC/VAT/VEN/NABN, or as locally required.

3 Shipment Information

☐ For EU Only: Tick here if goods are not in free circulation and provide CI.

Total Packages 1 Total Weight 0.5 ☐ lb ☒ kg ☐ DIM ☐ L ☐ W ☐ H ☐ in ☐ cm

Commodity Description	Harmonized Code	Country of Manufacture	Value for Customs
<u>Doc.</u>			

Has ESI been filed in AES? ☐ For U.S. Export Only: Check One ☐ No ESI required, value \$2,500 or less per Sch. B Number; no license required (NLR), not subject to ITAR. ☐ Total Declared Value (per Carriage) ☐ Total Value for Customs (per Carriage)

☐ No ESI required, enter exemption number: ☐ If other than NLR, enter License Exemption: ☐ Yes - Enter AES proof of filing citation: ☐

PACKAGE LABEL

COMMERCIAL INVOICE LABEL
875470536149DELIVERY RECORD LABEL
875470536149

DELIVERY REATTEMPT LABEL

▼ Insert shipping document. ▼

▲ Ensure UIC

489656 N1AX 05/19 50AG1/1577/1BC2

Emp# 460798 19MAY11 MSA 58CC1/1577/180C



XH CRWA

TRK# 8754 7053 6149

INTL PRIORITY CL

25301

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